

# United States District Court

EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION

MARK L. CAYTON

v.

PETERBILT MANUFACTURING

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Civil Action No. 4:16-CV-843

(Judge Mazzant/Judge Nowak)

## **MEMORANDUM ADOPTING REPORT AND RECOMMENDATION OF UNITED STATES MAGISTRATE JUDGE**

Came on for consideration the report of the United States Magistrate Judge in this action, this matter having been heretofore referred to the Magistrate Judge pursuant to 28 U.S.C. § 636. On October 31, 2017, the report of the Magistrate Judge (Dkt. #65) was entered containing proposed findings of fact and recommendations that Defendant Peterbilt Manufacturing's Motion to Dismiss (Dkt. #31) be granted.

Having received the report of the United States Magistrate Judge, and no objections thereto having been timely filed, this Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct and adopts the Magistrate Judge's reports as the findings and conclusions of the Court.

It is, therefore, **ORDERED** that Defendant Peterbilt Manufacturing's Motion to Dismiss (Dkt. #31) is **GRANTED**. Plaintiff's claims against Defendant are **DISMISSED**.

All relief not previously granted is **DENIED**.

The Clerk is directed to **CLOSE** this civil action.

**IT IS SO ORDERED.**

**SIGNED this 30th day of November, 2017.**



AMOS L. MAZZANT  
UNITED STATES DISTRICT JUDGE